

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Stillwater Mining Company
2562 Nye Road
Nye, MT 59061

USDA Forest Service
2880 Skyway Dr
Helena, MT 59602
2. *Type of action:* Application for Beneficial Water Use Permit
3. *Water source name:* Little Rocky Creek
4. *Location affected by project:* T5S, R16E, Sections 19, 20, 21, 28, 29, 30, 31 and 32.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
Stillwater Mining Company and USDA Forest Service (USFS) are requesting a beneficial water use permit in order to divert 50 GPM (.11 CFS) up to 46.8 acre-feet per year from Little Rocky Creek to use for industrial, mining and domestic uses. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)

Endangered-Threatened Species
Dewatered Stream Information
TMDL Information

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No impact

Little Rocky Creek, tributary to Stillwater River is not on the DFWP list of chronically or periodically dewatered streams.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: No impact

Little Rocky Creek is not on the DEQ list of water quality impaired streams. This application is for mining, industrial and domestic uses. As there is little to no return flow from these purposes, these uses should not impair water quality in Little Rocky Creek.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: No Impact

This proposed use of surface water should have no significant impact on groundwater quality or quantity in the area. There may be some recharge to alluvial groundwater.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: Minor Impact.

The proposed diversions will consist of either gravity flow through a screened pipe or use of pumps. In some cases it may be necessary for the applicant to install temporary dikes in order to pool water for pumping. Each stream disturbance will receive prior approval from the USFS and will be reclaimed. This diversion should not impact channels, flow, barriers, riparian areas, dams, or well construction.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: No Impact

The Natural Heritage Program identified the following species of concern within the project area: Wolverine, Canada Lynx, Grizzly Bear, Northern Goshawk, Veery, Clark's Nutcracker, Yellowstone Cutthroat Trout and Arctic Grayling. Potential species of concern are the Porcupine, Uinta Chipmunk, Ovenbird and Plumbeous Vireo. There are no plant species of concern one of potential concern, Small Yellow Lady's Slipper, identified within the area of affect. This area is already actively mined; there should be no new impacts to endangered or threatened species due to this proposed use of water.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No Impact

The project area is not within a wetland, so there should be no significant impacts to wetlands from this proposed use.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No impact

There are no ponds associated with this water right application.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No Impact

This application is for mining, industrial and domestic uses. Water will be used to flush drill cuttings and cool bits during exploratory drilling operations, potable water, portal advancement mining, mining equipment operation and maintenance, dust control and domestic. There should be no degradation of soil quality, alteration of soil stability or moisture content. There should be no saline seep from this use of water.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No Impact

The project area is already actively mined, there should be no new establishment or spread of noxious weeds due to this project. The land owner is expected to prevent the establishment or spread of noxious weeds on his property and on that of the USFS.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No Impact

There should be no deterioration of air quality due to increased air pollutants from this proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: There are archeological or historical sites in the vicinity of the proposed project on Forest Service lands. The applicants will make sure there will be no degradation of those sites.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No Impact

There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No Impact

This proposed use is not inconsistent with locally adopted environmental plans and goals for Stillwater County.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No Impact

The project is located in an area that is already actively mined; this project should have no new impact on recreational or wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No Impact

There should be no significant impact on human health from this proposed use.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No significant impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact.
- (b) Local and state tax base and tax revenues? No significant impact.
- (c) Existing land uses? No significant impact.
- (d) Quantity and distribution of employment? No significant impact.
- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.
- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts None identified.

Cumulative Impacts There are no other pending applications on this source of water.

3. *Describe any mitigation/stipulation measures:* There are no mitigation or stipulation measures required.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The proposed activity is reasonable, and is within accepted practices for mining, industrial and domestic water use. The no action alternative would mean that the applicant could not use Little Rocky Creek for mining, industrial and domestic uses. The applicant would most likely use groundwater instead.

PART III. Conclusion

1. ***Preferred Alternative*** To authorize the beneficial water use permit.

2. ***Comments and Responses***

3. ***Finding:***

Yes ___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts were identified. No EIS required.

Name of person(s) responsible for preparation of EA:

Name: Christine Smith

Title: Water Resources Specialist

Date: November 4, 2013